

78B-10a-102 General provisions -- Filing -- Notice -- Limits.

- (1) Except for bodily injury cases involving a motor vehicle as described in Sections 31A-22-303, 31A-22-305, and 31A-22-305.3, medical malpractice cases as described in Section 78B-3-401, and governmental claims described in Section 63G-7-401, any party to an action for personal injury or property damage as a result of tortious conduct may elect to submit all bodily injury claims and property damage claims to arbitration by filing a notice of the submission of the claim to binding arbitration in a district court if:
 - (a) the claimant or the claimant's representative has:
 - (i) previously and timely filed a complaint in a district court that includes a claim for bodily injury or property damage, or both; and
 - (ii) filed a notice to submit the claim to arbitration within 14 days after the complaint is answered; and
 - (b) the notice required under Subsection (1)(a)(ii) is filed while the action under Subsection (1)(a)(i) is still pending.
- (2) All parties shall respond within 30 days to the notice either agreeing or refusing to agree to arbitration. If a party does not respond, it is considered a refusal.
 - (a) If all parties agree to arbitration, the arbitration shall proceed in accordance with this chapter.
 - (b) If the parties do not agree to arbitration, the action shall proceed to trial. The request for arbitration may not be revealed during a trial or while a damage award is being deliberated.
- (3) If the parties agree to submit a bodily injury or property damage claim to arbitration under Subsection (1), the party initially requesting arbitration or the party's representative is limited to an arbitration award not to exceed \$50,000.

Enacted by Chapter 197, 2011 General Session